

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 21169 of 2004

Between:

Simon Sasi Pradeep Kumar, S/o.Sri G.Nageshwara Rao (Late),
R/o.Gudipetipalli (V), Prakasam District, A.P.

..... PETITIONER

AND

- 1 The Regional Joint Director of School Education, Guntur, Guntur District.
- 2 The District Educational Officer, Prakasam District.
- 3 K.A.M.High School, rep.by its Correspondent & Secretary: K.S.M.Das.,

Gudipatipalli (V), Prakasam District, A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, declaring the inaction on the representation of the petitioner dated: 15-6-2004 for the appointment in the third respondent school is illegal, arbitrary and unconstitutional and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondents to appoint the petitioner as attender in the third respondent school as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.PRAVEEN KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21169 OF 2004

ORDER:

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This writ petition is filed by the petitioner questioning the action of the respondents in not considering the application of the petitioner, for his appointment as attender on compassionate grounds in the third respondent school, as illegal and arbitrary.

The father of the petitioner, who was working as P.E.T. teacher in the third respondent School, died in harness on 29.07.1986. Thereafter, the petitioner made an application on 15.02.1988 and 15.06.2004 to the second respondent seeking appointment on compassionate grounds. Since the respondents have not disposed of the applications made by the petitioner, the petitioner has come up with the present writ petition.

Learned counsel for the petitioner contended that since the petitioner had made an application within one year from the date of the death of his father i.e, in the year 1987 itself and that he had fulfilled all the conditions laid down in G.O.Ms.No.568, Education (HI) Department, dated 01.07.1983, the case of the petitioner has to be considered by the respondents.

On the other hand, learned Government Pleader for School Education contended that as per G.O.Ms.No.568, dated 01.07.1983, the children of the deceased employee has to file an application within one year and that the petitioner has made an application on 15.02.1988, which is contrary to G.O.Ms.No.568 dated 01.07.1983, and therefore, the petitioner is not eligible for appointment on compassionate grounds.

From a perusal of the material available on record, it is clear that the petitioner

made an application on 15.02.1988 for appointing him on compassionate grounds. As per G.O.Ms.No.568 dated 01.07.1983, "applications for appointment of such persons shall be entertained within a period of one year from the date of occurrence of the death of teacher." Hence, it is very clear from the above G.O. that an application has to be made within a period of one year from the date of occurrence of the death of the teacher and since the contention of the learned counsel for the petitioner is that the petitioner made an application in the year 1987 itself for appointing him on compassionate grounds, the respondents shall consider the application pending if any, in accordance with G.O.Ms.No.568 dated 01.07.1983.

With the above observation, the writ petition is disposed of. No order as to costs.

22.11.2004

usd

To

- 1 The Regional Joint Director of School Education, Guntur, Guntur District.
- 2 The District Educational Officer, Prakasam District.
- 3 The Correspondent & Secretary, K.A.M.High School, K.S.M.Das.,

Gudipatipalli (V), Prakasam District, A.P.

4. Two CCs to G.P. for School Education, High Court Buildings, High Court of A.P. Hyderabad (OUT).

5. Two CD copies